

# **EXHIBIT 2**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 24-CV-60834-SINGHAL/STRAUSS**

**WERNER JACK BECKER, *et al.*,**

Plaintiffs,

v.

**CITIGROUP INC., *et al.*,**

Defendants.

**PLAINTIFFS' FIRST SET OF INTERROGATORIES TO DEFENDANTS**

Pursuant to Federal Rule of Civil Procedure 33 and Southern District of Florida Local Rule 26.1, Plaintiffs Werner Jack Becker and Dana Guida, by and through their undersigned counsel, request that Defendants Citigroup Inc. and Citibank, N.A. answer the following interrogatories within the time frame prescribed by the Federal Rules of Civil Procedure.

**DEFINITIONS**

1. In construing these interrogatories, the singular shall be deemed to include the plural and vice versa, so as to make each interrogatory inclusive rather than exclusive. The word "and" shall be deemed to include the disjunctive "or" and vice versa, so as to make each interrogatory inclusive rather than exclusive. The past tense shall be construed to include the present and future tenses and vice versa, so as to make each interrogatory inclusive rather than exclusive. The terms "each," "every," "all," and "any," whether used separately or together, shall be interpreted to encompass all material, events, incidents, persons, or information responsive to the interrogatory in

which those terms appear. The term “including” shall be construed to mean “including, but not limited to.”

2. “Citi” means Defendants collectively, their predecessors, successors, divisions, subsidiaries, and affiliates, and all present and former directors, officers, employees, agents, consultants, representatives, attorneys, and any other persons acting for or on behalf of any of these entities or individuals.

3. “Citi ATM” means an automated teller machine located in or attached to a Citibank Branch.

4. “Citibank Branch” means a Citibank retail bank location in the United States and its territorial possessions and does not include a free-standing Citibank ATM not attached to a Citibank retail bank location.

5. “Communication” means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).

6. “Complaint” means Plaintiffs’ complaint filed in this action on May 17, 2024.

7. “Concerning” means referring to, describing, evidencing, or constituting. Requests for documents “concerning” any subject matter include documents concerning communications regarding that subject.

8. “Describe,” or “Describe in Detail” means that the person or entity to whom the interrogatory or subpart thereof is directed should state what is requested to be described, including all facts and opinions known and held regarding, relating to, or pertinent to what is requested to be described, and (i) the identity of each person or entity involved or having any knowledge of each fact or opinion that relates to what is so described, (ii) the identity of each document evidencing the answer or response given or relating, referring or pertaining to said subject-matter in any way,

and (iii) all relevant or material dates and time periods, specifying the way in which said dates or time periods are pertinent to the subject-matter described.

9. “Document” or “documents” is defined to be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Federal Rule of Civil Procedure 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of this term.

10. “Electronic databases” is defined to include, but is not limited to, all files maintained in any database, spreadsheet, or statistical programs, containing information sufficient to show the identities of individuals who have withdrawn funds from a Citi ATM.

11. “Fee” or “Fees” means the out-of-network surcharges assessed to individuals who are not customers of Citi when they use a Citi ATM to withdraw funds from a financial institution outside of Citi’s ATM network.

12. “Identify” means, in the case of:

a. A natural person or individual, to state the person’s name, address, telephone number, occupation or profession, job title, and the name, address and telephone number of that person’s employer;

b. An organization (e.g., a corporation, partnership, association, limited liability company, or government unit or entity), to state the organization’s name, the type of organization, and its address and telephone number;

c. A Document or Communication, to state the date, author, and addressee or recipient of the Document or Communication; the type of Document or Communication; the

name and/or file name of the Document or Communication; the document number (if applicable); and the address and telephone number of each person having possession, custody, or control of the Document or Communication (or any copies of the Document or Communication); and

d. A tangible thing, to state the type of thing, its manufacturer, all identifying numbers (e.g., model number, serial number), its present location, and the name, address and telephone number of each person having possession, custody, or control of the thing.

13. “Policy” means the “Citi® ATM Community Network” program launched on July 14, 2016.

14. The terms “the present” or “present time” mean the date on which Your answers to these interrogatories are filed.

15. “Relate” means consisting of, referring to, reflecting, evidencing, being in any way legally, logically, or factually connected with the matter referred to, or tending to prove or disprove the matter referred to.

16. “You” and “Your” means Defendants Citigroup Inc. and Citibank, N.A., collectively.

### **INSTRUCTIONS**

1. These interrogatories are continuing in character and require You to supplement answers if You obtain further or different information.

2. When asked to answer an interrogatory, the request is for information within Your actual or constructive possession, custody, or control. Your answers must therefore include information not only available to You but also available to Your attorneys, associates, representatives, and all other persons acting under, by, or through You, or subject to Your control, or acting on Your behalf.

3. If You cannot fully and completely answer an interrogatory, please provide the facts You rely upon in support of your contention that You cannot do so. To the extent an interrogatory is not answered because of an assertion of privilege or work product protection, please state the specific privilege or protection relied upon and support the assertion with a statement of particulars sufficient to enable the State Defendants and the Court to assess its validity consistent with Federal Rule of Civil Procedure 26. If You object to answering only part of an interrogatory on the basis of privilege or work product protection, please answer that part You do not object to answering and indicate what portion of the interrogatory to which Your assertion of privilege or immunity extends.

4. Whenever, in response to these interrogatories, reference is made to a natural person, state his/her full name and present address, if known, and his/her present or last known business position and affiliation.

5. With respect to each oral communication that is the subject matter in whole or in part of any of these interrogatories, state who was present, the dates of the communication, where the communication occurred, and what was said by each person involved during such conversation.

6. Unless otherwise stated, these Interrogatories pertain to documents dated from July 14, 2016 through the present.

### **INTERROGATORIES**

1. Describe in Detail how many Fees Citi has charged each of the last four calendar or fiscal years at Citibank Branches, separated by year and U.S. state.

2. Describe in Detail how many Fees Citi has waived under the Policy each of the last four years at Citibank Branches, separated by year and U.S. state.

3. Describe in Detail how Citi retains information and what information is retained about individuals who withdraw money from Citi ATMs from banks outside of Citi's network.

4. Identify all persons responsible for developing and/or implementing policies or practices for retaining information about individuals who withdraw money from Citi ATMs from banks outside Citi's network.

5. Identify all persons responsible for developing, approving, and overseeing the Policy from January 1, 2015, to the present, both currently and formerly employed by Citi.

Dated: July 10, 2024

Respectfully submitted,

/s/ Bryan Weir

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Daniel Shapiro

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on July 10, 2024, I served a true and correct copy of the foregoing document via email on Defendants' counsel listed below pursuant to Federal Rule of Civil Procedure 5, Southern District of Florida Local Rule 26.1, and this Court's CM/ECF Administrative procedures, thereby serving all parties.

/s/ Brandon Haase

Brandon Haase (*pro hac vice*)

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